

09-27-06

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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/617,978 Confirmation No.: 4095
 Applicant(s): Herrmann et al.
 Filed: July 11, 2003
 Art Unit: 1638
 Examiner: Anne R. Kubelik
 Title: ORALLY ACTIVE ANDROCTONUS AMOREUXI PESTICIDAL BIOPEPTIDES
 [Title as Amended January 5, 2006]

Docket No.: 035718/260673
 Customer No.: 29122

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE BOARD OF PATENT
 APPEALS AND INTERFERENCES (37 C.F.R. § 43.31)**

Applicant in the above-identified patent application hereby appeals to the Board of Appeals and Interferences from the decision dated May 26, 2006, rejecting the following Claims 1-7, 13-19, 21-31, 38, 40, 42, and 43.

The fee for this Notice of Appeal under 37 CFR § 41.20(b)(1) is enclosed.

- ☐ Applicant claims small entity Status.
☒ A check is enclosed.
 (\$500.00 for large entity fee or \$250.00 if small entity status)
☐ Please charge Deposit Account No. 16-0605 for the Notice of Appeal Filing Fee.
☒ Any additional fee or refund may be charged to our
 Deposit Account No. 16-0605.
☒ A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.

Respectfully submitted,

David E. Cash

Registration No. 52,706

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<p> Customer No. 29122 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260 </p>	<p align="center"> CERTIFICATE OF EXPRESS MAILING </p> <p> "Express Mail" mailing label number EV395780069US Date of Deposit September 26, 2006 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 </p> <p align="center"> Nora C. Martinez </p>
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